

STATE PLANNING FOR A
COMPREHENSIVE, INTEGRATED STATEWIDE
LEGAL SERVICES DELIVERY SYSTEM

I. INTRODUCTION

State planning for the delivery of legal services to low income Idahoans has been an ongoing process for over two years and on some issues for many years. Different aspects on the delivery of legal services have been reviewed through various perspectives by all interested parties. The following interested parties are involved in formalizing this State Planning Report for the Legal Services Corporation:

1. Idaho Supreme Court
2. Idaho Supreme Court Committee to Increase Access to the Courts
3. Idaho Legal Aid Services, Inc.
4. Idaho Law Foundation
5. Idaho Volunteer Lawyers Program
6. Idaho State Bar
7. Idaho Partners for Justice Project
8. University of Idaho, College of Law
9. Co-Ad, Inc.

Because the above interested groups were all involved in examining legal services delivery using different approaches, and in recognition that a more unified effort would be more effective, it became necessary to bring together representatives from these various organizations to form the Delivery of Legal Services Council. At the Council's second meeting it was decided that the Council was the best "group" to evaluate and assess the delivery of legal services in Idaho and to assist in the preparation of the Legal Services Corporation State Planning Report.

Over the course of the last two years, the above organizations have discussed and planned various aspects of the delivery system in Idaho. For example, Idaho Legal Aid Services, Inc., through its Board of Directors and staff, has reviewed its delivery system and is currently addressing issues such as centralized intake, use of technology, resource development, and training. The Idaho Law Foundation and the Idaho Volunteer Lawyers Program are also involved in reviewing coordinated intake systems, expansion of pro bono involvement, and development of community education. The Idaho State Bar is committed to assist in the development of a comprehensive statewide system and is implementing a Modest Means Panel to assist those ineligible for legal aid but without resources to hire an attorney. The Idaho Supreme Court's Committee to Increase Access to the Courts has made recommendations to make the judicial system more accessible and user friendly for pro se litigants. The Idaho Partners for Justice Project, chaired by Idaho Supreme Court Chief Justice Linda Copple Trout and Merlyn Clark of Hawley Troxell Ennis & Hawley, LLP, Boise, has launched its fourth annual bar fundraising campaign utilizing new aggressive approaches.

II. PURPOSE OF STATE PLANNING

A. Evaluation Of Legal Services Delivery System in Idaho.

It is essential for all interested parties to carefully evaluate the current delivery of legal services system in order to maximize services with available resources. Better coordination between Idaho Legal Aid Services, Inc. and the Idaho Law Foundation's Idaho Volunteer Lawyers Program will result in the efficient-

cy and effectiveness of the overall delivery system. In early 1998, the Legal Services Delivery Council was formed to coordinate responsibility for low income legal services in Idaho, and to increase communication between and coordinate interests and concerns of each of the participating organizations.

B. A Plan For The Future.

Following a review of current approaches, the above organizations, through the Delivery of Legal Services Council, are working to establish specific goals and timetables to move the legal services system in Idaho towards these goals. In this process, an evaluation and future recommendations for intake, advice and referral, technology, access issues, coordination, private attorney involvement, resource development, and system configuration are included in this state plan.

III. INTAKE; ADVICE & REFERRAL

A. Current System.

1. *Idaho Legal Aid Services, Inc.*

Idaho Legal Aid Services, Inc. (ILAS) conducts individual intake through each of its seven office locations. Potential clients who contact ILAS offices are screened for financial and case type eligibility and are either given an appointment or referred to the IVLP, Lawyer Referral, or as otherwise appropriate. ILAS uses Legal Services Corporation eligibility guidelines. The screening is the same for telephone callers as well as walk-ins. The accepted clients are then given advice or their case is otherwise accepted and handled by ILAS staff.

ILAS makes referrals to the Idaho Volunteer Lawyers Program (IVLP) for cases which the IVLP handles. Others are referred to the Idaho State Bar Lawyer Referral Service, to private attorneys, or to other non-legal agencies. Emergency cases are accepted pursuant to Legal Services Corporation requirements.

Several ILAS offices have experimented with telephone advice and brief services whereby clients are screened and given advice immediately or within a short period of time. However, this type of service is currently not formalized by ILAS on a statewide basis.

The University of Idaho, College of Law, operates a Legal Aid Clinic servicing clients in the immediate area. In addition, the College of Law places interns in ILAS offices.

2. Idaho Volunteer Lawyers Program.

The Idaho Volunteer Lawyers Program (IVLP) is a pro bono program managed by the Idaho Law Foundation. The IVLP screens for financial (using LSC guidelines) and case type eligibility and refers eligible clients with priority case types to private attorneys who have agreed to accept referrals on a pro bono basis. The IVLP makes referrals to ILAS, the Idaho State Bar Lawyer Referral Service, or others.

The IVLP also administers an advice and consultation service through its "Attorney of the Day" program. Through this program, the IVLP has established a panel of attorneys who are available on a particular day or partial day to accept referrals of cases requiring only advice or consultation. The "Attorney of the Day" is generally available three half days a week (i.e., Monday

morning, Tuesday afternoon, and Friday afternoon). The IVLP screens potential clients and if it is determined that the client only needs advice, a request for assistance is sent to the "Attorney of the Day" who is asked to contact the client directly.

B. Goals.

1. ILAS and IVLP should establish a centralized and coordinated intake system whereby potential clients contact one particular office, which, in turn, screens and places the case with ILAS, the IVLP, or other provider. The centralized and coordinated intake system will include a procedure for regular periodic communications between IVLP/ILAS to ensure up-to-date, accurate placements or referrals and to facilitate initial intake. The initial eligibility intake forms will be standardized and used to assess placements or referrals to the appropriate program and which will be forwarded to the appropriate program as an initial eligibility form. **[Suggested completion date: April 1, 1999.]**

2. ILAS should establish a legal advice/brief service process whereby potential clients, once screened, are given immediate advice on the telephone, or in person, by an attorney or paralegal. Such staff should be housed within ILAS and should be available no less than four hours per day. This service would be similar to hotlines operated in other states. ILAS has applied for funds to set up such a service in Idaho. **[Suggested completion date: June 1, 1999.]**

3. ILAS and IVLP should develop and implement advice and referral policies for both programs to add consistency, collabora-

tion, and coordination to the delivery system. **[Suggested completion date: March 1, 1999.]**

4. ILAS and IVLP should regularly evaluate their intake and referral systems, and make improvements as appropriate. **[Suggested completion date: ongoing.]**

5. The Legal Services Delivery Council should regularly evaluate the delivery of services by ILAS and the IVLP. **[Suggested completion date: ongoing.]**

IV. TECHNOLOGY

A. Current Technology.

ILAS acknowledges that they need to upgrade their computer systems and other technologies in order to more efficiently and effectively serve clients. IVLP uses an integrated database/word processing system.

B. Goals.

1. ILAS and IVLP should upgrade their computer and telephone systems to take advantage of compatible and beneficial technologies. The main obstacle in this regard is lack of resources and aggressive efforts should be made to raise funds for these upgrades. The implementation of technological advances should be coordinated between ILAS and the IVLP for efficiency. **[Suggested completion date: January 1, 2000.]**

2. *Specific technological goals are as follows:*

a. Each ILAS case handler should have the necessary skills and ability to use his/her desktop computer effectively. **[Suggested completion date: July 1, 1999.]**

b. Each ILAS office should have at least one computer accessible to all staff with e-mail and internet connectivity. **[Suggested completion date: March 1, 1999.]**

c. ILAS and IVLP should upgrade and coordinate their case management, intake, and timekeeping systems. **[Suggested completion date: March 1, 1999.]**

d. ILAS and IVLP should plan technology training adequate to meet their needs. The training should include use of the web for research and other purposes for cases handled. **[Suggested completion date: ongoing.]**

e. ILAS should upgrade and/or purchase telephone systems to accommodate voice mail and telephone intake and advice systems. **[Suggested completion date: October 1, 1999.]**

V. ACCESS TO THE COURTS, SELF-HELP, AND PREVENTATIVE EDUCATION

A. Current Efforts.

ILAS and the IVLP have, for years, developed and implemented materials and systems to assist individuals in accessing the courts. ILAS has developed brochures on substantive areas of law and distributed pro se materials on divorces, wills and probate, naturalization, and other areas. Both organizations have presented pro se clinics in divorces and modifications. The IVLP has also

developed attorney-of-the-day consultations utilizing volunteer attorneys.

In 1997, the Idaho Supreme Court established the Committee to Increase Access to the Courts. This Committee has met several times and is in the process of making recommendations to the Court on ways to improve access to the courts for individuals proceeding pro se. Among the recommendations of this Committee which have been adopted by the Idaho Supreme Court are:

1. The Idaho court system should provide litigants with information and services to enable them to use the courts. A multi-faceted approach is recommended, including brochures, forms and instructions, use of technology, videos, resource directories, workshops, manuals distributed as part of workshops, and strategies to educate the public.

2. The Supreme Court should determine the greatest legal or informational needs of those persons of low income or of modest means and those who choose to represent themselves. Initial studies should focus on legal and informational needs in family related cases.

3. The Supreme Court should develop programs to expand the availability of legal services and to assist self-represented litigants in a joint effort of the bench, court staff, the Bar, and the public.

4. The Supreme Court, in conjunction with the Bar, should establish policies to guide court staff in assisting self-represented litigants.

5. The Supreme Court should provide training to clerks of the district court, deputy clerks, and other court staff on how to assist litigants, whether they be persons of low income, of modest means, or those who choose to represent themselves.

6. The Supreme Court should develop and promulgate simplified court forms. The need is greatest in domestic relations and other family cases.

7. The Supreme Court should refer to the appropriate rules committees a request to examine necessary rules and protocols to assist self-represented litigants in the courtroom.

8. The Supreme Court, through its Judicial Education Committee, should develop educational programs for new and experienced judges on methods of handling self-represented litigants.

B. Goals.

1. ILAS and IVLP should continue their involvement in the Committee to Increase Access to the Courts and its implementation of recommended actions. **[Suggested completion date: at discretion of the Committee and the Idaho Supreme Court.]**

2. ILAS and IVLP should develop a process for collaboration in developing and updating their community education materials, pro se workshops, and other self-help efforts. **[Suggested completion date: January 1, 1999 and ongoing.]**

3. ILAS, IVLP, and others should regularly update their brochures and pamphlets and develop new ones as needed. Brochures on name changes and other routine procedures should be developed. **[Suggested completion date: ongoing.]**

4. ILAS and IVLP should assist the Access to the Courts Committee in developing a "how-to" manual on rules and procedures and other informative materials for court clerks to use. **Suggested completion date: ongoing.]**

VI. COORDINATION OF LEGAL WORK, TRAINING, INFORMATION, AND EXPERT ASSISTANCE

A. Current Approaches.

ILAS has developed case management systems and staff training to ensure that staff are well supervised and knowledgeable in order to provide high quality legal services. ILAS holds two staff

training conferences a year during which staff are trained and updated on legal developments in the areas of law handled. ILAS has adequate libraries (or access to libraries) in its offices. ILAS has an ongoing assessment of training needs which is used for planning statewide training.

ILAS has developed practice manuals and other resource materials to assist staff in the delivery of legal services to clients. ILAS has specialty groups in the areas of family, health, and housing with representation from each office. These groups maintain updated information on substantive areas of law and new developments.

The national legal services network, through backup centers, provides back-up to ILAS staff in all areas practiced.

IVLP develops and sponsors Continuing Legal Education seminars in specific topic areas which attract and educate potential volunteer attorneys. Subjects of the CLEs are chosen from the case types in which IVLP wishes to recruit volunteers.

B. Goals.

1. Appropriate IVLP staff should take advantage of ILAS training and statewide meetings. **[Suggested completion date: ongoing.]**

2. ILAS should identify independent resources to implement and manage a web page which would include, amongst other things, updated legal developments. **[Suggested completion date: July 1, 1999.]**

3. ILAS and IVLP should continue to cooperate in the presentation of CLEs for volunteers. **[Suggested completion date: ongoing.]**

VII. PRIVATE ATTORNEY INVOLVEMENT

A. Current Activities.

ILAS provides some funding to the IVLP and assists the IVLP in its operation of the pro bono program. ILAS publishes its quarterly newsletter, *Hard Times*, sent to all Idaho attorneys, addressing substantive areas for the benefit of the private bar.

IVLP recruits and maintains a panel of attorneys who accept referrals of eligible clients.

B. Goals.

1. ILAS and IVLP should jointly sponsor at least one training session annually to private attorneys in different parts of the state on areas of law frequently referred. **[Suggested completion date: annually beginning July 1, 1999.]**

2. ILAS should recruit and utilize private attorneys for its advice and brief service (hotlines) program. **[Suggested completion date: October 1, 1999.]**

3. ILAS should recruit private attorneys who have specialized expertise for co-counseling in complex cases. **[Suggested completion date: ongoing.]**

VIII. RESOURCE DEVELOPMENT

A. Current Efforts.

ILAS and IVLP conduct most of their fundraising independently from each other with some exceptions. The Idaho Partners for Justice Project is a joint bar fundraising campaign which solicits funding from the private bar, corporations, and businesses for both programs. ILAS receives funding from the Legal Services Corporation, HUD, Area Agencies on Aging, Idaho Law Foundation (IOLTA), United Ways, Indian Tribes, A Territory Resource, STOP, women's shelters, the Environmental Protection Agency, and private contributions. IVLP receives funding from the Idaho Law Foundation (IOLTA), ILAS, United Way, Bar sections, and private contributions.

B. Goals.

1. ILAS and IVLP should develop and implement a coordinated fundraising plan that demonstrates their collaborative efforts in serving eligible clients and which maximizes the resources to both organizations. **[Suggested completion date: January 1, 1999 and ongoing.]**

2. The Delivery of Legal Services Council, the Idaho State Bar, the Idaho Law Foundation, ILAS, and other interested parties should seek funding from the following:

a. State appropriation **[Suggested completion date: January 1, 1999 and ongoing.]**

b. Review the feasibility of legislation for a filing fee surcharge with revenues distributed to ILAS and IVLP. **[Suggested completion date: October 1, 1999.]**

c. Promote the Idaho Partners for Justice Project. **[Suggested completion date: ongoing.]**

IX. SYSTEM CONFIGURATION

A. Current Structure.

ILAS and IVLP are two distinct programs. Efforts are underway to ensure efficiency and maximization of ILAS and IVLP resources. The Delivery of Legal Services Council is examining ways in which the two programs could further improve their efficiency and effectiveness in different ways, including the establishment of a centralized or coordinated intake system. ILAS and IVLP have identified areas which need improvement and further collaboration.

The two programs recognize that they must work together in all respects in order to achieve the best possible results for eligible clients. A formal needs assessment of legal needs in Idaho has not been conducted in recent years.

B. Goals.

1. A needs assessment of legal needs of low income people should be conducted in cooperation with the Committee to Increase Access to the Courts. **[Suggested completion date: December 31, 1999.]**

2. A centralized or coordinated intake system should be implemented as noted previously. **[Suggested completion date: April 1, 1999.]**